

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

OP.No. 13929 of 2001(G)

PETITIONERS:

1. A.M. ABDUL RAHMAN, PRESIDENT, PARENT TEACHER ASSOCIATION, KRISHNAN ELAYATH MEMORIAL HIGH SCHOOL, ALANGAD, ERNAKULAM DISTRICT.
2. GIRIJA N, HIGH SCHOOL ASSISTANT, KRISHNAN ELAYATH MEMORIAL HIGH SCHOOL, ALANGAD.
3. SOBANA A.S., (U.P.S.A.) -DO- -DO-
4. SILJA RADHAKRISHNAN, KORINGANAMKODATH HOUSE, KADUVASSERY P.O., CHANGAMANAD, ERNAKULAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI
ADV. SRI.V.PREMCHAND, ADV. SMT.ASHA JYOTHI

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.
2. THE SECRETARY. GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA, TRIVANDRUM.
3. THE DIRECTOR, HIGHER SECONDARY EDUCATION, GOVERNMENT OF KERALA, HOUSING BOARD BUILDINGS, THIRUVANANTHAPURAM.
4. THE MANAGER, KRISHNAN ELAYATH MEMORIAL HIGH SCHOOL. ALANGAD, ERNAKULAM.
5. THE HEAD MASTER, GOVERNMENT HIGHER SECONDARY SCHOOL, KONGORPILLY, ALUVA.

SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL.
BY SR. GOVERNMENT PLEADER SHRI R. MEERA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1	:	TRUE COPY OF THE JUDGMENT IN O.P.NO. 21731/2000 DATED 13.12.2000.
EXT.P2	:	TRUE COPY OF THE REPRESENTATION DATED 26.02.2001.
EXT.P3	:	TRUE COPY OF PHOTOGRAPH
EXT.P4	:	TRUE COPT OF NEWS ITEM IN MALAYALA MANORAMA DATED 24.06.2001.

/TRUE COPY/

P.A. TO JUDGE.

H.L.DATTU, C.J. & K.T.SANKARAN, J.

O.P.No. 13929 of 2001-G

Dated this the 18th day of August, 2007.

J U D G M E N T

H.L.Dattu, C.J.

Members of the Parent Teacher Association are before us in this original petition filed under Article 226 of the Constitution of India. The main prayer in the original petition is to direct respondents 1 to 3 to grant plus two course to Krishnan Elayath Memorial High School, Alangad in terms of Ext.P1 judgment forthwith. There are other consequential prayers also in the original petition.

(2). Sri.B.Krishna Mani, learned counsel appearing for the petitioners would submit that during the pendency of this original petition, respondents have already granted plus two course to Krishnan Elayath Memorial High School, Alangad. However, he would submit that the respondents have not allowed the school authorities to commence the course.

(3). The main relief, as we already stated, was to direct the respondents to grant plus two course to Krishnan Elayath Memorial High School, Alangad. That relief has already been granted, by the respondents. In view of that, the main relief sought for in the original petition would not survive for consideration of this court.

(4). If, for any reason, the petitioners are of the opinion that having granted plus two course the respondents would not allow the school to commence the course, they should make appropriate representation before the authorities and if for any reason that representation is not considered, then only a mandamus can be issued by this court. In our view, as on today, the relies sought for in this original petition would not survive for consideration of this court. Therefore, the original petition is disposed of

as having become unnecessary. Liberty is reserved to the petitioners, if they so desire, to make appropriate applications before respondents 1 to 3 for appropriate reliefs. If such representation is made, the authorities would consider and pass appropriate orders on the same in accordance with law.

(5). In view of the order passed in the original petition, all pending Civil Miscellaneous Petitions are rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS